

REMARKS

These remarks are set forth in response to the final office action mailed March 18, 2005 (the "Final Office Action"). As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 27 are pending in the Patent Application. In paragraphs 1 and 2 of the Office Action, claims 1, 2, 6, 7, 12, 13, 17, 18, 22, 23 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,076,108 to Courts et al. ("Courts") in view of U.S. Patent 6,041,357 to Kunzelman et al. ("Kunzelman") and further in view of United States Patent No. 5,835,724 to Smith.

Also, in paragraph 3, claims 3-5, 14-16, and 24-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Courts in view of Kunzelman and Smith, and further in view of U.S. Patent No. 6,490,682 to Vanstone et al. ("Vanstone"). Moreover, in paragraph 4, claims 8, 9 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Courts in view of Kunzelman and Smith, and further in view of U.S. Patent No. 6,006,264 to Colby et al. ("Colby"). Additionally, in paragraph 5, claims 10 and 20 yet further have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kunzelman in view of Courts and further in view of Smith and U.S. Patent No. 6,760,758 to Lund et al. (Lund). Finally, in paragraph 6, claims 11 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kunzelman in view of Courts and Smith, and further in view of Colby.

In response, the Applicants respectfully traverse the rejections on the art in light of the understanding which the Applicants believe existed with the Examiner in consequence of the personal interview in Washington D.C. at the U.S.P.T.O. on June 17, 2004. Prior to further

addressing the rejections on the art; however, as an extended period of time has elapsed since the Examiner last considered the nature of the Applicants' invention, a brief review of the Applicant's invention is appropriate. The Applicants have invented a new and non-obvious method, system and apparatus for cookie-enabled persistent binding of a client to a server during a transactional session between the client and server.

In accordance with the Applicants' invention recited in the Patent Application, a session routing token can be inserted in a uniform resource locator (URL) implemented hypertext transfer protocol (HTTP) request during an HTTP-based communications session between a client and a server. Consequently, a dispatching mechanism can route client HTTP requests to the server during the session based upon server identifying information disposed in the token in the URL. Prior to routing the requests to the designated server, however, the token can be removed from the URL.

Importantly, a data store of cookies for different clients (a "server-side cookie jar") can be coupled to the dispatching mechanism. Once the cookie jar has been coupled to the dispatching mechanism, a token in the URL can be used to retrieve a corresponding cookie in the server-side cookie jar. The retrieved cookie, in turn, can be inserted into the URL before the HTTP request can be forwarded to the server identified by the token. Conversely, as content is returned to the requesting client, a cookie can be inserted into to the URL handling the HTTP response which can be removed from the URL by the dispatching mechanism and placed in the server-side cookie jar for retrieval during a subsequent request by the client. In this way, the server can receive the HTTP request embodied by the URL along with the corresponding cookie as if the cookie had been placed in the URL by the client. In actuality, however, the cookie will

have been inserted into the URL by way of the dispatching mechanism in consequence of the identifying information provided by the token in the URL.

Several advantages can result from the inventive arrangements described herein. First, cookie-dependent technologies can co-exist with ultra-thin and ultra-secure clients which do not permit the external writing of cookies by external entities. Rather, the cookies themselves can be stored server-side and can be identified through the use of the embedded token. Also, session affinity between client and server can be maintained through the use of a token embedded in the HTTP request (literally, the URL). Consequently, unreliable routing of HTTP requests for session affinity based upon the network address of a preferred server can be avoided, particularly, where intermediate or hidden addressing schemes such as network address translation are used.

Turning now to the rejections on the art, in the personal interview of June 17, 2004, the Applicants' representative explained that Courts indeed taught a load balancer which can be viewed as a dispatcher. Also, the Applicants recognized that Kunzelman taught the insertion and removal of a token in a URL. However, all in attendance at the personal interview agreed that neither Courts nor Kunzelman taught a token which included a key for accessing a server-side storage area for information regarding a persistent relationship. The nature of this key, however, is the "server side cookie jar". To highlight this important distinction, at the encouragement of the Examiner the Applicants amended several of the independent claims to modify the phrase "storage area" with the phrase "server-side".

Thus, while Courts and Kunzelman contemplate the use of client-side cookie technology for storing session state information, neither Courts nor Kunzelman teach a system which would

avoid the use of client-side storage of information. In the Applicants' invention, however, the use of a server-side storage area permits the maintenance of session information without requiring the placement of a cookie on the client side. In particular, in the case of a lightweight client, the use of a cookie may not be permissible. Hence, the use of the Applicants' technology can provide for a more diverse set of clients and for far greater scalability than is possible by any technologies incorporating the teachings of Courts and Kunzelman.

Smith has now been recited to cure the deficiencies of Courts and Kunzelman. Yet, Smith exclusively relates to the recording of retrieved session information during a client-server session with a common gateway interface (CGI) driven data access system. Thus, it is important to recognize that Smith does not cure the deficiencies of Courts and Kunzelman. Specifically, nowhere in Smith is it suggested that a token can be inserted into a URL which can include a key for accessing a server side storage area for information regarding a persistent relationship (the server-side cookie-jar concept). Likewise, Smith fails to teach the extraction of a key from a routing token. Moreover, Smith does not provide basic infrastructure required to permit the integration of the CGI system with the dispatching mechanism described in the Applicants' invention. At best, Smith teaches the storage of session data in a server computing device irrespective of cookie technology.

The Applicants note that, as required by Section 2143 of the MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when

combined must reach or suggest all of the claim limitations. In regard to the first criteria, the Examiner has stated a motivation to combine which does not appear to be supported by the cited references. In fact, it will be observed that no where in Smith is it suggested that CGI processing can extract a routing token from a URL. Without such a teaching, why would one of skill in the art refer to Smith for a solution to the problem addressed by the Applicants? Moreover, it is clear that Smith cannot be combined with any teaching relating to a load balanced server cluster as the architecture of Smith will not permit such an arrangement.

While anyone can engage in hindsight to combine a multiplicity of references to arrive at an invention, the touchstone of obviousness under the law is that the references inherently recite a motivation to combine the individual teachings of the references such that one of ordinary skill in the art would combine the teachings to arrive at the invention. This is precisely why hindsight statements of motivation to combine references are not permitted. Additionally, it will be clear to the Examiner that no reference, including Courts, Kunzelman and Smith, when combined can satisfy the third basic criteria of Section 2143 at least because of the failings of each of Courts, Kunzelman and Smith as references in teaching the server-side cookie jar concept as reflected in the exemplary claim language "said key for accessing a server-side storage area for information regarding the persistent relationship and the end user device".

Thus, the combination of Courts, Kunzelman and Smith cannot support a rejection under 35 U.S.C. § 103(a). In conclusion, the Applicant believes that all of the claims distinguish over the cited art and stand patentable and ready for an indication of allowance. To that end, the Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a) based upon the Applicant's amendments to the claims, and owing to the foregoing remarks. This entire

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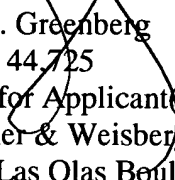
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application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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